

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VANESSA ANN JONES,

Case No. 23-10158

Plaintiff,

F. Kay Behm

v.

United States District Judge

U.S. POSTAL SERVICE, *et al.*,

David R. Grand

United States Magistrate Judge

Defendants.

_____ /

**OPINION AND ORDER ACCEPTING AND ADOPTING
THE MAGISTRATE JUDGE'S JUNE 25, 2024
REPORT AND RECOMMENDATION (ECF No. 48)**

This case is before the court on Magistrate Judge David R. Grand's June 25, 2024 Report and Recommendation. (ECF No. 48). Currently pending are two motions to dismiss: one brought by Defendant Widgeon (ECF No. 16), and one brought by the USPS Defendants (ECF No. 24). Magistrate Judge Grand recommends Defendant Widgeon's motion to dismiss be granted and the USPS Defendants' motion to dismiss be granted in part and denied without prejudice in part. *Id.*, PageID.252. The court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich.

Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The court nevertheless agrees with Magistrate Judge Grand's recommended disposition. The court further agrees that it is in the interest of justice to give Plaintiff a limited opportunity to file an amended complaint to cure the present deficiencies as to her employment discrimination claim. (ECF No. 48, PageID.261). Therefore, the court **ACCEPTS** and **ADOPTS** Magistrate Judge Grand's Report and Recommendation (ECF No. 48). Defendant Widgeon's motion to dismiss (ECF No. 16) is **GRANTED**; the USPS Defendants' motion to dismiss (ECF No. 24) is **DENIED WITHOUT PREJUDICE** as to Plaintiff's employment discrimination claim *only* and is **GRANTED** as to all other claims. Plaintiff has 30 days from the filing of this Order to file an amended complaint to cure any deficiencies as to her employment discrimination claim.

SO ORDERED.

Date: July 18, 2024

s/F. Kay Behm
F. Kay Behm
United States District Judge